

FILED  
JAMES B. GINN  
CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

04 JUL -7 PM 12:22

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**TIM S. ROBERTS,**

**SSN: XXX-XX-6127**

**Defendant,**

**and**

## The Christ Hospital

## Garnishee.

**CASE NO: C-1-00-0157**

**JUDGE BECKWITH**

1) MAGISTRATE JUDGE BLACK

## CLERK'S NOTICE OF GARNISHMENT

**You are hereby notified that a garnishment of the nonexempt property (including nonexempt disposable earnings) is being taken by the United States of America which has a judgment in Case No. C-1-00-0157 in the United States District Court for the SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION, in the sum of \$3,966.52 plus accrued interest for monies owed the United States. As of June 22, 2004 a balance of \$2,863.63 remains outstanding.**

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if Tim S. Roberts can show that the exemptions apply. Attached to this Notice is a Claim for Exemption Form which summarizes the major exemptions which apply in most situations in the State of Ohio. Pursuant to 28 U.S.C. §3014, an individual debtor may elect to exempt the following property:

## EITHER

1. **Property specified under section 522(d) of Title 11 of the United States Code - the types of property you may elect to exempt under 11 U.S.C. § 522(d) are listed on the attached Claim for Exemption Form;**

**OR, IN THE ALTERNATIVE,**

- 2 (A) Any property that is exempt under Federal law (other than the property set forth in paragraph (1) above), or State, or local law, if such law was applicable on the date of filing the Application for Writ of Continuing Garnishment. The applicable law regarding exemptions is the law at the place in which your domicile has been located for 180 days immediately preceding the date of the filing of such application, or for a longer portion of such 180-day period than in any other place. (A list of the property available as an exemption is contained in the attached Claim for Exemption Form); and,
- 2 (B) Any interest in property in which you had, immediately before filing of such application, an interest as a tenant by entirety or joint tenant. If you are electing this type of property, mark the appropriate space on the Claim for Exemption Form.

If you are Tim S. Roberts, you have a right to ask the court to return your property to you if you think the property the Government is taking qualifies under one of the specified exemptions or if you think you do not owe the money to the Government that it says you do.

If you are Tim S. Roberts, and you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing, and either mail it or deliver it in person to the Clerk of the Court at:

Clerk U.S. District Court  
U.S. Postoffice & Courthouse, Rm #326  
Cincinnati, OH 45202

If you wish, you may request the hearing by checking the appropriate space on the Defendant's Request for Garnishment Hearing form attached to this notice and mailing or delivering your request form to the Clerk of the Court.

You must also send a copy of your request to the government in care of:

Deborah F. Sanders  
Assistant United States Attorney  
Southern District of Ohio  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215-2401

so that the Government will know that you want a hearing. The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property (including nonexempt disposable earnings) the Government has taken is exempt or why you do not owe the money to the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at:

Clerk U.S. District Court  
U.S. Postoffice & Courthouse, Rm #326  
Cincinnati, OH 45202

You must also send a copy of your request to the Government in care of:

Deborah F. Sanders  
Assistant United States Attorney  
Southern District of Ohio  
303 Marconi Boulevard, Suite 200  
Columbus, Ohio 43215-2401


so that the Government will know that you want the proceedings to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date

7/13/04

JAMES BONINI, CLERK  
United States District Court

  
Deputy Clerk

**CLAIM FOR EXEMPTION FORM**  
**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- \_\_\_\_\_ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- \_\_\_\_\_ 2. Veterans' benefits (38 U.S.C. § 5301).
- \_\_\_\_\_ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 1562).
- \_\_\_\_\_ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- \_\_\_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- \_\_\_\_\_ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- \_\_\_\_\_ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- \_\_\_\_\_ 6a. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- \_\_\_\_\_ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 352(e)).
- 7. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:
  - (a) \_\_\_\_\_ \$17,425 in equity in a residence.
  - (b) \_\_\_\_\_ \$2,775 in equity in a motor vehicle.
  - (c) \_\_\_\_\_ \$1,150 in jewelry.
  - (d) \_\_\_\_\_ \$9,300 in personal property. (However, no single item worth more than \$450 can be claimed as exempt.)

- (e) \_\_\_\_\_ \$1,750 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependant of the debtor.
- (f) \_\_\_\_\_ \$925 in property, plus up to \$8,725 of any unused amount of the exemption provided for above.
- (g) \_\_\_\_\_ Any unmaturred life insurance contract you own, other than credit life insurance.
- (h) \_\_\_\_\_ The aggregate value, up to \$9,300, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependant of the insured.
- (i) \_\_\_\_\_ Professionally prescribed health aids for you or your dependants.
- (j) \_\_\_\_\_ Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
- (k) \_\_\_\_\_ A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).
- (l) \_\_\_\_\_ Your right to receive, or property that traceable to,
  - an award under a crime victim's reparation law;
  - a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants;
  - a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants
  - a payment, not to exceed \$17,425, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to

compensate actual pecuniary loss are not exempt under this paragraph;

- a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support of your dependants.

\_\_\_\_8. Compensation for war risk hazards (42 U.S.C. § 1717).

#### MAJOR EXEMPTIONS UNDER STATE LAW

**NOTE:** The law of the state where you have been domiciled for at least 180 days governs your rights.

**NOTE:** If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

<u>TYPE</u>	<u>STATUTE EXEMPTION</u>	<u>VALUE CLAIMED</u>
____9. Fraternal Benefit Society Benefits	-Ohio Rev. Code. Ann. §§2329.66(A) (6) (d) and 3921.128	_____
-Exempt before and after payment		
____10. Public Assistance	-Ohio Rev. Stat. §§2329.66(A) (9), 5107.12 and 5113.03 (A)	_____
-General Assistance and aid to dependent children are exempt		
____11. Pensions and Retirement Benefits	-Ohio Rev. Stat. §§245.66 and provisions cited is note thereafter, and 2329.66(A) (10)	_____
-Various public employees' retirement systems. In addition, benefits from pension plans qualified for tax exemption and certain non-qualifying plans are exempt. IRA's and Keoughs		

-If paid weekly, the greater of 30 times the current federal minimum wage of 75% of debtor's disposable earnings. If paid biweekly, the greater of 60 times the current federal

The statements made in this claim for exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(Date)